

## AMMONS OUTWITS STRIKERS' FRIENDS

Bill to Pay the Militia Is Put  
Through House by  
a Ruse.

## NEW BLOW FOR UNION MEN

State Troops May Be in Control  
Again—Italian Consul  
Demands Damages.

DEVELOP. MAY 9.—The Ammons forces put through the million dollar appropriation bill providing for the payment of State soldiers in the House today by a unanimous vote.

The passage of the measure in the Senate Monday is assured. Consternation seized the union leaders when the bill was passed and when the statement was given out at the State House that there is an understanding between the Governor and the War Department that Federal troops are to be withdrawn from the strike zone as soon as the State shows itself to be able to put a sufficient number of armed troops into the field to control the situation.

The labor men declare that not all the State soldiers that could be mustered could maintain peace in the turbulent sections. The hatred of the strikers to the State militia, it is declared, is such that even the sending of part of the State troops back into the strike zone would inevitably result in a renewal of warfare.

The Progressives declare the bill was put through the House on second reading by a ruse. Another bill was pending. It provided that the militia appropriation be paid out of the receipts from the income tax law. When the Progressives voted for the militia bill they declare they thought it had not yet come to second reading. They were furious when they learned the measure had passed all points of amendment.

An attempt will be made on Monday to throw the House into the committee of the whole and call for a reconsideration of the measure. There is little hope that this can be done.

A disturbing feature that arose today was the notification by the Italian Consul here that his Government will demand damages from the State of Colorado upon each Italian subject killed in the strike zone. Of the fifty odd persons who lost their lives in the ten days war more than one-half were Italians. Dr. Cesare De Vito, the Consul, says that the matter will be taken up by the Italian Ambassador at Washington.

In addition more than 200 Italians, paid out of the receipts from the income tax law, suffered heavy property damage. He asks reparation for this also.

Only 200 guns were surrendered to the Federal troops at Trinidad today. Both strikers and miners declared this represented all the firearms in their possession. It is declared by persons who witnessed the various battles in the district that this does not represent one-fourth of the firearms used on either side.

The excuse is made that many of the guns used in the various battles were owned by the individuals privately and that they were taken out of the district after the Federal cavalry arrived.

## IN LUDLOW PRISON AT 18.

Girl Causes Arrest of Student Son of Coffee Planter.

The youngest prisoner ever taken to Ludlow street jail was lodged there yesterday in a suit for breach of promise. He is Henry Fuentes, 18 years old, who lives at 214 West 126th street and attends a New York preparatory school. His father is a coffee planter of Guatemala.

Young Fuentes was arrested yesterday in a \$10,000 suit brought by Miss Mary Reed, Hungarian, 22 years old, who alleges that Fuentes is about to sail for home without keeping a promise to marry and take her to Guatemala with him. Fuentes couldn't arrange for bail, although the firm of W. R. Grace & Co. agreed to his financial affairs and pay him an allowance from his father. He hopes the Consul-General of Guatemala in this city, who is one of his personal friends, will be able to find a bondman for him.

## WOMEN'S UNIONS GROWING.

Shirtwaist Strike Showed Way, Says Miss Marot.

Miss Helen Marot, who was the first secretary of the Women's Trade Union League, issued a summary of the work of the league during its ten years of existence yesterday. She says in part: "When the league was organized in New York it was estimated that about 10,000 women were members of unions. The membership has been increased to at least 50,000."

It was during the great shirtwaist strike of 1909-1910 that the league gained an international reputation as the leader of the first militant movement among the women of this country. The story of that strike, which was the first of a series of strikes, is the story of the growth of the women workers of Europe as well as among the working women throughout our own country.

Miss Marot also said that the league has been and still is a strong factor in bringing about legislation for the benefit of women workers.

## EXPECT STOTESBURY TO STAY.

Belief That New Reading Head Took Place Permanently.

PHILADELPHIA, May 9.—E. T. Stotesbury, who was elected yesterday to succeed George Baer as head of the Reading-Bucks Central railway, coal and iron company, called at the Reading Terminal office today and remained about an hour, meeting several company officials.

It is not believed in Reading Company circles that Mr. Stotesbury accepted the presidency of the Reading Company and the newly created positions of chairman of the board of directors of the Philadelphia and Reading Railway Company and the Philadelphia and Reading Coal and Iron Company with the intention of staying out within a short time.

## ROCKEFELLER GIVES \$5,000.

He Helps White Plains Y. M. C. A., Which Wants \$33,000.

WHITE PLAINS, N. Y., May 9.—John D. Rockefeller, 28, was the first contributor to the campaign fund to raise \$33,000 for the White Plains Y. M. C. A. Mr. Rockefeller pledged \$5,000 on condition that \$28,000 be contributed by others in the specified time.

The total contributed the first day was \$2,524. A committee of 100 business men, a committee of forty, headed by Village President John J. Brown, are doing the most of the executive committee. Among the prominent men interested in the movement are: Oliver Harriman, former Mills Road, Charles P. MacLean, former Senator, Francis H. Carter, David Cromwell, president of the Westchester County Bankers Association, County Judge Pratt, District Attorney Weiss and County Treasurer Burling.

## BLUNDER HALTS BECKER'S TRIAL

Continued from First Page.

tactics are unfair. They snote at him in the matter of the District Attorney and they are inclined to compare the new paper blunder of yesterday with the Dresden episode as tending to create a hostile attitude while jurors are being selected. There is a close fight on. Mr. Manton the first thing to-morrow morning will move that the ten jurors now in the box be withdrawn and that the case be declared a mistrial.

The motion, it is believed, will be denied and the case will go on, the court holding that the publication was not of high importance to halt the trial. Becker's counsel do not expect Justice Seabury to void the trial. As a matter of fact Mr. Manton and Becker are anxious for the trial to proceed. But what they are driving at is the invaluable record which must, in case of Becker's conviction, fall under the eyes of the Judges of the Court of Appeals. They will be able to get into the record, by their motion for a mistrial, another episode tending to support their attitude that the District Attorney isn't playing fair.

## Consternation in Court Room.

The incident was unprecedented, so far as lawyers could recall. It came about so unexpectedly that for half an hour everybody except the Justice himself was rattled. The court adjourned at 11:45 A. M. after three of the jurors who were accepted on Friday had been dismissed and only one new juror obtained. The last man of 400 talsmen had been questioned. There was no more jury material at hand. Justice Seabury retired to his chambers after the adjournment. A panel of 100 should be in court at 10:30 A. M. to-morrow.

Within a few minutes, the District Attorney, obviously excited and distressed, hurried to the Justice's room. Presently Justice Seabury sent for the reporters, who had been told meanwhile by Mr. Whitman's secretary, Lloyd Willis, of the Globe, to remain in the room. The Justice told the reporters exactly what should be printed as coming from him. This was:

"The court has instructed the District Attorney to bring contempt proceedings against the New York Globe for publishing what purports to be an account of this trial in an edition published Saturday, May 9."

Forty minutes later Mr. Wright, president of the company that publishes the Globe, entered Justice Seabury's chambers. He remained ten minutes. When he reappeared he gave this explanation of the violation of the release agreement: "I came here to apologize to Justice Seabury for the blunder committed by my newspaper. I told him that I was inexpressibly mortified. I did not know anything about the occurrence until Secretary Willis phoned me. When I investigated, I was told by the city editor, Mr. Hughes, that the Globe's reporters had telephoned the news that the Justice, District Attorney and counsel for the defense were satisfied with the jury as it stood at the opening of the court, and that the case would proceed."

## Inaccurate Copies Are Recalled.

"Thereupon the address to the jury was put in type. The presses began running at 10:32 A. M. The papers reached the streets at 10:45 A. M. I believe that 35,000 copies were issued. The circulation manager informs me that 30,000 copies have been recalled."

The preparation of the contempt case against the Globe occupied the attention of the District Attorney's staff for the remainder of the afternoon. It is understood that the editorial staff of the Globe maintains that the District Attorney's address was "released" by the Globe reporters at the trial; that the reporters indicated that the case was actually under way.

On the other hand Charles T. Broadhead, in charge of the reporters, insists that he did not release the statement and that he merely told his editors that the jury seemed to be satisfactory all around. Assistant District Attorney Robert S. Johnston prepared the case against the Globe, but Mr. Whitman in person will insist that those responsible for the publication be punished.

District Attorney Whitman issued this statement in the afternoon: "I can't see how the mischance will interfere with the course of the trial. It will certainly oppose vigorously any motion looking toward delay. In giving out advance copies of my address I followed the usual custom. It is the commonest practice in the world for public officials to facilitate the work of newspapers by giving out advance material, with the pledge that it shall not be used until whatever it is is said or done."

"A violation on the part of a newspaper or a newspaper man of such confidence is almost unheard of. I had been advised in this case to issue advance copies in order to prevent garbled or inaccurate reports which might occur on account of the great haste necessary in getting the matter into print."

Jurors Ignorant of Blunder. Since it is certain that Justice Seabury will not entertain a motion for mistrial or permit the case to be delayed in any way, the interesting point is the practical effect that the premature publication will have in the selection of the last two jurors. The ten already chosen are not likely to hear of the incident, because everything concerning the trial is clipped from the newspapers for their use.

The talsmen alone are to be considered. It is likely that Justice Seabury will permit counsel for the defense to ask every talsman if he saw the edition of the Globe which contained the address, or if he had heard about the publication or the contempt proceedings. An affirmative answer will disqualify the talsman. Mr. Whitman's staff says that 5,000 newspapers won't get around very far in a population of 6,000,000, but the Becker counsel lay heavy stress on the idea that the minds of talsmen are apt to be warped by a one sided presentation of Becker's case.

The riddling of the jury at the very opening of the fourth day of the trial was a surprise to everybody but the lawyers. The session was late getting started and at 10:55 A. M. Edward E. Van Emme, Juror No. 4, was summoned to Justice Seabury's chambers. Ten minutes later Robert L. Baxter, Juror No. 6, was called into Justice Seabury's room. Presently the usual announcement was made that both men had been excused at their own request, and that their dismissal was not to be taken as a reflection on their characters.

Mr. Van Emme, who is well along in years, is a dry goods salesman who lives at 455 Fort Washington avenue. Mr. Baxter, young and unmarried, is a clerk for a Wall Street concern and lives at 600 West 176th street.

## One Man on Thaw Jury.

The examination of the twenty talsmen remaining in the fourth panel was taken up. Talsman 293 became Juror No. 11. He is Jesse G. Valle, who is connected with silk manufacturing concern and who lives at 228 West Fourth street. He is 48 years old and married. The last talsman of all, No. 308, John H. Holbert, answered questions satisfactorily and seemed to be qualifying nicely. Becker's lawyers wanted him, but Mr. Whitman challenged preemptorily. The reason was the Mr. Holbert had served on the jury in the first Thaw trial. The jury which disagreed as to whether or not Harry Thaw should die for killing Stanford White.

The announcement that Paul V. Camors, who appeared to be a fixture as Juror No. 12, had been excused came after Justice Seabury had left the court room and had conferred with counsel for both sides. It was explained that Mr. Camors, who has large business interests in his own health and is afraid of the strain of the trial, He pleaded so earnestly that Jus-

## C. W. POST, CEREAL

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## TOE PULLS RIFLE TRIGGER

Rich Man Had Chartered a Car  
to Leave Santa Barbara,  
Cal., Next Friday.

SANTA BARBARA, Cal., May 9.—Charles W. Post, wealthy cereal manufacturer of Battle Creek, Mich., may spend hundreds of thousands of dollars in a fight against those dominant in trade unions of the country, committed suicide at his winter home to-day. He shot himself through the brain with a high power rifle, killing himself instantly.

## CONVICT ACCUSES BECKER.

Another Witness Tells Miss Davis  
About Letter From Tombs.

Another prisoner who says he saw Charles Becker help Philip Muscia prepare the abusive petition which was submitted for a respectful one and sent to Miss Katharine Davis, Commissioner of Correction, from the Tombs was found yesterday by Miss Davis in Sing Sing. He is George L. Lewis, who was sentenced in December for an automobile swindle. He was kept in the Tombs until last week, when his application for appeal was denied.

Muscia, who confessed to writing the petition, told Miss Davis that his story could be corroborated by Lewis. Yesterday Miss Davis went up to Sing Sing and in the presence of a keeper and a clerk, as quoted by Miss Davis last night he said:

"Muscia is telling the truth about the petition. I saw Becker, Philip Muscia (Muscia's former lawyer), George Laporte and several others standing in the corridor on the first floor. Muscia was reading the petition which he had written. Becker said from time to time, 'That's not the way to put it,' and suggested changes in the wording."

Miss Davis said that Lewis corroborated Muscia's tale in every particular. He made no written statement, but said he would swear to an affidavit whenever Miss Davis required it. Including Lewis, Miss Davis now has six witnesses all prisoners, who agree with Muscia in the accusation against Becker.

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Mr. Post had been in ill health for some time. He came here from Rochester, Minn., two months ago, where he had undergone an operation for appendicitis at the sanitarium of the Mayo brothers. Although he seemed to recover physically it left him so nervous that for a month his wife had a trained nurse with him twenty-four hours of the day.

The disease took the form of melancholia, but that there was a suicidal impulse was not suspected. Every contingency was guarded against.

There are two inexplicable features about the tragedy. The first is where he got the rifle with which he killed himself and the second is his conduct immediately preceding the act. He had chartered a special car to take him back to Battle Creek on May 15.

## Just Drew Check for \$50,000.

Mr. Post had just drawn a check for \$50,000 payable to his father, Rollin Post, who lives at Fort Worth, Tex., and he had made a business engagement for the future. The use of the rifle suggests premeditation, but his conduct contradicted it.

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Charles W. Post.

Mr. Post arose at his usual hour this morning, ate breakfast, conversed with his nurse and about 10 o'clock said that he would go up to his apartments for a little while. The nurse did not accompany him because there was nothing there, so far as known, with which he could harm himself.

A moment later the shot was heard and the nurse rushed into the room to find him dead on the floor. He had stood upright, leaned his forehead on the muzzle and pulled the trigger with his toe. The Post winter home is four miles outside of Santa Barbara. Mrs. Post was in the city when told of the tragedy. She was taken home, where she is pros- trated.

Coroner Ruiz made an investigation this afternoon and decided speedily that the man had committed suicide. He is of the opinion, because of the unfinished business he left, that Mr. Post acted on an impulse.

The body will be taken to Battle Creek.

Charles W. Post's name has been familiar wherever the products of the

## Postum Cereal Company, of which he was

the founder and head, have been used. He was born at Springfield, Ill., on October 26, 1874, being the son of Charles T. Post and Caroline Lathrop Post. He was not graduated from the University of Illinois, of which he was a student, and became in time a hardware merchant, a commercial traveler and a manager of a plough factory.

His health broke down in the spring of 1884 and he traveled for seven years during which time he studied medicine, hygiene, dietetics and physiology in this country and in Europe, which was the foundation work for his venture into the prepared food industry.

In 1891 Mr. Post went to a sanitarium at Battle Creek, where for a time it was believed he could not recover; but he continued his studies and experiments with food.

## Fine Advertising Building.

One of the handsomest of the group of Post buildings is the one devoted to the advertising end of the business. It has been described as one of the most beautifully furnished business buildings in the United States.

Mr. Post began many movements, besides what he called his daily educational food campaign, that attracted much public attention. Ten years ago he proposed to Congress the establishment of the "Post Checking Currency System," providing for the issuance of notes of small denominations under a plan he said would always insure clean currency.

In 1903 he got into the public eye again by making application to the United States Supreme Court for an order to restrain the late Thomas C. Platt from Congress the establishment of the "Post Checking Currency System," providing for the issuance of notes of small denominations under a plan he said would always insure clean currency.

In 1910 Mr. Post offered Col. Theodore Roosevelt a salary of \$100,000 to take the presidency of the National Trade and Workers Association and to settle the cash for the first year in the Bank of America, 48 Wall street. The ex-President refused to accept the place. Mr. Post was in sympathy with the principles of the association, which does not countenance strikes, boycotts, picketing, lockouts or any form of coercion in the relations of employer and employee. The association was organized under the laws of Michigan during the winter of the previous year.

## Fought the A. F. L. Hard.

One of the most notable controversies in which Mr. Post was ever involved was his fight on the American Federation of Labor and the Buck Stove and Range Company. The issue involved

## the closed shop. Mr. Post carried on his

fight throughout the country by printing his arguments in advertisement form. His application for an injunction to restrain the company from entering into an agreement to maintain the closed shop was denied by Federal Judge Smith. The application for a long litigation. In September, 1907, Peter F. and Robert Collier, as proprietors, and Norman Wapgood, as editor of Collier's Weekly, brought suit in the sum of \$250,000 each against Mr. Post, as president of the American Cereal Company, Limited, as the result of an advertisement published by Mr. Post in response to assertions made by Collier's in its campaign against alleged adulterers of food.

Mr. Post founded Post City, Tex., on a ranch just under the Cap Rock of the great Staked Plains, twenty-five miles long and twenty miles wide. He started his city in a country eighty miles from a railroad, his outfit of mules and wagon trains bringing in the building material.

He was for four years president of the National Manufacturers Association. He was also chairman of the Battle Creek Paper Company and the Home and Fire-escape Company, Limited. He was president of the Double U. Company and the Post Land Company and a director of the Central National Bank.

Mr. Post was taken seriously ill with chronic appendicitis at his winter home in Santa Barbara, Cal., in the first part of March and was taken by a special train to Rochester, Minn., for an operation by the celebrated Mayo brothers. It was deemed upon his arrival that an operation was not then expedient.

It is considered a curious coincidence that Mr. Post was afflicted with an ailment which he said could be avoided by eating certain predigested foods that were manufactured by his company.

## DOCTOR ON VISIT DROPS DEAD.

Collapses in Doorway of Uptown Apartment House.

Dr. John McCroskey of 371 Manhattan avenue collapsed as he was about to enter the apartment house at 353 West 127th street yesterday afternoon to visit a sick child and died before an ambulance surgeon reached him. Dr. McCroskey was 49 years old. He was born in Newburgh, N. Y., and was the son of John J. McCroskey, an official of the Bank of Newburgh. He was educated at the Williston Seminary and the Bellevue Medical College, from which he was graduated in 1887. He had practiced in New York for twenty-seven years. His wife, who was Margaret Corwin, survives.

## Bryan in Brooklyn Next Friday.

Secretary of State Bryan is coming to Brooklyn next Friday evening to attend the annual dinner of the Brooklyn League for the Masonic Temple. He will speak on "The New Era."



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DUO-ART PIANOLA  
BY HAND



THE DUO-ART PIANOLA PLAYING ITSELF  
WITHOUT ASSISTANCE



PLAYING THE  
DUO-ART PIANOLA WITH  
A MUSIC ROLL

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in The Duo-Art Pianola, the artist's performance is reproduced; faithful to the original in every tone variation, every shade of tempo change, pedaling, phrasing, and all other features.

The value of this new, artistic, self-playing feature of The Duo-Art Pianola cannot be overestimated. Its power to entertain and instruct is limitless. It enables you to call upon the services of the greatest pianists for every occasion. You may have a magnificent concert programme rendered by a great concert pianist; popular music of the day played by those who have won renown as interpreters of such music, or the latest music of the modern dance performed by the ablest dance pianists. Whatever music you prefer you may hear played by professional pianists of the first rank.

The magnificent Duo-Art Pianola, with its three-fold value, is a wonderful addition to any home—an instrument absolutely unparalleled in the whole world of music. It is The Aeolian Company's greatest achievement—the result of years of experimentation. All who have seen it, including many of the world's foremost pianists, have given it unbounded praise.

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